

EXHIBIT 2

Nortey, James A.

From: David Cohen <david@davidrcohen.com>
Sent: Wednesday, February 12, 2020 7:36 PM
To: Moore, Kelly A.; Peter H. Weinberger
Cc: pmougey@levinlaw.com; MPifko@baronbudd.com; Paul Farrell (Paul@Greeneketchum.com); do Amaral, Paulina; Rice, Joe; hunter@napolilaw.com; 'WML@LanierLawFirm.com'; dmigliori@motleyrice.com; 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com'; 2804 Discovery, MDL
Subject: Re: Rite Aid's Motion to Dismiss for lack of personal jurisdiction

[EXTERNAL EMAIL]

External E-mail

Thanks for copying me on your mutual attempts to get the other side to stand down. As you remain basically where you were two days ago, I reiterate what I wrote then:

Plaintiffs will be allowed to undertake jurisdictional discovery and then the Court will receive a response and reply.

Please confer and present a proposed plan for this to occur (meaning, scope of discovery and deadlines). I imagine that the necessary discovery need not exceed a small handful of depositions and interrogatories. The Court will accept any reasonable plan.

I look forward to receiving by the end of the week a joint proposed order with discovery scope, discovery deadlines, and briefing deadlines.

-d

=====

This email sent from:

David R. Cohen Co. LPA
24400 Chagrin Blvd., Suite 300
Cleveland, OH 44122
216-831-0001 tel
866-357-3535 fax
www.SpecialMaster.law

From: Moore, Kelly A.
Sent: Wednesday, February 12, 2020 4:34 PM
To: Peter H. Weinberger ; David R. Cohen (David@SpecialMaster.Law)
Cc: pmougey@levinlaw.com ; MPifko@baronbudd.com ; Paul Farrell (Paul@Greeneketchum.com) ; do Amaral, Paulina ; Rice, Joe ; hunter@napolilaw.com ; 'WML@LanierLawFirm.com' ; dmigliori@motleyrice.com ; 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com' ; 2804 Discovery, MDL
Subject: RE: Rite Aid's Motion to Dismiss for lack of personal jurisdiction
Dear Special Master Cohen:

Plaintiffs apparently believe they currently possess evidence that Rite Aid Corporation's motion to dismiss for personal jurisdiction is frivolous. While we obviously disagree, in light of that position, we see no basis for an argument on their

part that they would need any discovery to respond to the motion. The original date for them to respond under the local rules was January 22. We are now 21 days past that date. Respectfully, we ask that you set the date for their response for two weeks from now - February 26, 2020.

Respectfully,

Kelly Moore

Kelly A. Moore
Morgan, Lewis & Bockius LLP
101 Park Avenue | New York, NY 10178-0060
Direct: +1.212.309.6612 | Main: +1.212.309.6000 | Fax: +1.212.309.6001
kelly.moore@morganlewis.com | www.morganlewis.com
Assistant: Donna C. Weekes | +1.212.309.7172 | donna.weekes@morganlewis.com

-----Original Message-----

From: Peter H. Weinberger
Sent: Monday, February 10, 2020 6:03 PM
To: Moore, Kelly A. ; David R. Cohen
Cc: pmougey@levinlaw.com; MPifko@baronbudd.com; Paul Farrell (Paul@Greeneketchum.com) ; do Amaral, Paulina ; Rice, Joe ; hunter@napolilaw.com; 'WML@LanierLawFirm.com'; dmigliori@motleyrice.com; 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com'; 2804 Discovery, MDL
Subject: Rite Aid's Motion to Dismiss for lack of personal jurisdiction

[EXTERNAL EMAIL]

Dear Ms. Moore:

As you know SM Cohen has asked that we meet and confer to determine what discovery is needed to respond to RAC's motion to dismiss on personal jurisdiction grounds.

Your motion to dismiss claims that RAC has no involvement in opioid dispensing monitoring or operations. Specifically, your motion cites an affidavit of Ron Chima and states as follows:

"RAC is a holding company... And it does not "establish[] national policies and procedures governing the dispensing of controlled substances" that are in turn implemented by its subsidiaries as Plaintiffs now allege without basis. Chima Decl. ¶ 7.

The attached Rite Aid Board Report on Opioids Oversight contradicts that representation. The document clearly states that Rite Aid Corporation and its board are intimately involved in opioid dispensing oversight and risk management. The attached 2018 proxy statement reiterates the same in response to a shareholder request that Rite Aid Corporation take a more active role in opioid dispensing oversight.

If you insist on prosecuting this motion, we will seek Rule 11 sanctions.

Pete

Peter H. Weinberger

Spangenberg Shibley & Liber LLP
1001 Lakeside Avenue East, Suite 1700
Cleveland, Ohio 44114
216-696-3232 Office
216-407-5033 Cell

216-696-3924 Fax

PWeinberger@spanglaw.com | [**CONFIDENTIALITY NOTICE:** The information in this e-mail, including any attachments, is for the sole use of the intended recipient\(s\), and may contain confidential and legally privileged communications. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this communication is strictly prohibited and may be unlawful, and could subject the unlawful user to civil and criminal penalties. Any unintended receipt should be reported to this sender immediately and all copies returned, deleted, and destroyed. **TO OUR CLIENTS:** Any dissemination of this communication to third-parties may be a waiver of the attorney-client privilege.](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.spanglaw.com&d=DwIFAw&c=wbMekZ1iboz3wtX3lILi8YgCUSSh7g3G58syakvKORs&r=W-FNRUGNUrR4W-FvnAtCmeHle6lXfQyQq3jCqtPLikY&m=aEvYwCWho2tCZtObhLB-EfXeC1LHiNakR9uvKCXaXoQ&s=zJU9aqzpMQ8II_6YRw8ID6n-Aa5oXtCICqWdf-x8dLg&e=<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.spanglaw.com&d=DwIFAw&c=wbMekZ1iboz3wtX3lILi8YgCUSSh7g3G58syakvKORs&r=W-FNRUGNUrR4W-FvnAtCmeHle6lXfQyQq3jCqtPLikY&m=aEvYwCWho2tCZtObhLB-EfXeC1LHiNakR9uvKCXaXoQ&s=9PN2pAh4ZgYYgZsXm5CUTyNaMPiR8zExuJjZoiTfkU4&e=> [Spangenberg Shibley & Liber] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.spanglaw.com&d=DwIFAw&c=wbMekZ1iboz3wtX3lILi8YgCUSSh7g3G58syakvKORs&r=W-FNRUGNUrR4W-FvnAtCmeHle6lXfQyQq3jCqtPLikY&m=aEvYwCWho2tCZtObhLB-EfXeC1LHiNakR9uvKCXaXoQ&s=9PN2pAh4ZgYYgZsXm5CUTyNaMPiR8zExuJjZoiTfkU4&e=></p></div><div data-bbox=)

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>